

# BiH DAYTON PROJECT



## Inzko Bucks EU on Foreign Judges

February 19, 2020

In an interview Monday, High Representative Valentin Inzko criticized the proposal by Serb and Croat parties for the BiH Constitutional Court's foreign judges to be replaced by local judges and claimed that such a reform would require a change to the Dayton Peace Accords. N1 reported, regarding the initiative to replace the foreign judges:

*Inzko asked why anyone would have anything against some foreigner if they all want to join the EU.*

*If the foreign judges ever were removed, it would change the balance of powers in the Court and that would require a change of the Dayton Peace Agreement. It would lead to the "Dayton 2."*

Inzko's apparent opposition to replacing the Constitutional Court's three foreign judges is understandable, given that they, along with the two Bosniak judges, reliably support Inzko's goal of centralizing BiH at the expense of the Entities, regardless of the legal merits of a given case. But Inzko's opposition to the initiative puts him at odds with the European Union. Among the "key priorities" the EU identifies for BiH in its Opinion on the EC's Opinion on BiH's Application for EU Membership is to "reform the Constitutional Court, including addressing the issue of international judges."

Moreover, Inzko's claim that replacing the foreign judges would require changing the Dayton Accords is simply false. Article V(1)(d) of the BiH Constitution provides that five years after the appointment of the initial Constitutional Court judges, the "BiH Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights," i.e., the three foreign judges. The placement of foreign judges on the BiH Constitutional Court was a transitional measure that was never intended to be in place for the long term. BiH's Serb and Croat parties have long favored enacting the necessary legislation to replace the foreign judges with BiH citizens, but the SDA, understanding the foreign judges to be its staunch political allies, has stubbornly resisted.

Inzko should stop trying to block the EU-endorsed reform of replacing the foreign judges, and he should stop misleading the public about what the reform would require.

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## NATO HQ Sarajevo: Dayton Requires Joint Commission for Inter-Entity Boundary Line – SRNA

February 19, 2020

NATO HQ Sarajevo has told SRNA that under Annex 2 of the Dayton Accords, the Federation of BiH, Republika Srpska, and BiH are obliged to establish a joint commission to develop a document containing a precise technical description of the inter-entity boundary line.

*NATO HQ Spokesperson Ines Kuburović has explained that a precise technical description of the inter-entity boundary line is the correction of a plus-minus 50-meter deviation on the original Dayton map, which otherwise remains “relevant and definitive for all purposes”.*

*“As far as we are aware, no significant progress has been made towards the formation of the commission. Questions regarding the delay in the formation of the commission, as well as the supporting documentation, should be referred to the Council of Ministers and entity governments,” Kuburović said in her response to SRNA.*

[Read more here.](#)

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